

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DISTRICT**

Rabbit Tanaka Corporation, USA)	No. 08 CV 1455
a Texas corporation, and)	
Rabbit Tanaka Corporation, Ltd.)	
a Hong Kong corporation,)	
)	
Plaintiffs,)	Judge Kendall
)	
v.)	
)	
Walgreen Co., an Illinois corporation, and)	Magistrate Judge Nolan
Tradewinds International Enterprises, Inc.)	
a California corporation,)	
)	
Defendants.)	

**DEFENDANTS' OPPOSITION TO PLAINTIFFS'
MOTION FOR TEMPORARY RESTRAINING ORDER**

Defendants' attorney who is located in Orange County, California first received notice of Plaintiffs' motion approximately one hour before the scheduled hearing on Plaintiffs' motion for TRO. This is obviously completely improper notice.

As was noted by Plaintiffs' in their motion, Defendants have already filed a declaratory judgment action in California involving the same subject matter. A copy of Defendants' complaint is included in Plaintiffs' motion papers.

As shown by the correspondence included in Defendants' complaint filed in California, the parties have been negotiating over this matter since at least December of last year. There is absolutely no urgency to this matter, and Plaintiffs are clearly attempting to circumvent the proper procedures relating to the case in California.

Not only have Defendants had absolutely no opportunity to appear at the hearing, they have had no opportunity to prepare a meaningful opposition memorandum.

At this time, Defendants can merely represent to this Court that there are serious questions concerning all of the allegations in Plaintiffs' complaint. As was alleged in Defendants' complaint in California, there is no infringement of Plaintiffs' patents, as set forth in Exhibit F of Defendants' complaint in California. Exhibit F includes a non-infringement opinion by one of Defendants' patent attorneys.

Plaintiffs request a noticed motion for preliminary injunction with, at a minimum, an opportunity for full briefing on the merits, including the issue of which Court has proper jurisdiction over the two related cases.

Respectfully submitted,

THE ECLIPSE GROUP, LLP

Dated: March 13, 2008

/s/ Gregory B. Gulliver
Gregory B. Gulliver, Esq.

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CERTIFICATE OF SERVICE

Martha Mezyk certifies that he caused to be served a true copy of the above and foregoing notice and attached pleading upon the attached Service List in the manner so indicated on this 13th day of March, 2008.


Martha Mezyk

VIA FACSIMILE

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